

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:05CR116
vs.)
ALLEN COTTON,)
Defendant.) ORDER

This matter is before the court on the motions of defendant Allen Cotton (Cotton) to sever (Filing No. 46) and to suppress and for a **Franks** hearing (Filing No. 49-Sealed). The government has not responded to the motions. Upon a review of the showing made by Cotton, the court finds Cotton has made a substantial preliminary showing and is entitled to hearing pursuant to **Franks v. Delaware**, 438 U.S. 154 (1978). Accordingly,

IT IS ORDERED:

1. Cotton's motion to sever (Filing No. 46) and motion to suppress (Filing No. 49-Sealed) are set for an evidentiary hearing before the undersigned magistrate judge in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m., July 13, 2005**. The defendant must be present for the hearing.
2. The hearing on the **Franks** issue will precede the presentation of evidence on the motions to sever and suppress.

DATED this 24th day of June, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge